

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John C. Harvey and James W. Cuddihy:

Serial No.: 08/486,258

Filed: June 7, 1995

For: **SIGNAL PROCESSING APPARATUS
AND METHODS**

Group Art Unit: 2737

Examiner: FAILE, A.

Atty. Docket: 05634.0357

126-#2400

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TRANSMITTAL LETTER

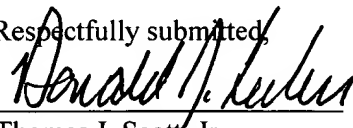
BOX: Fee Amendment

Assistant Commissioner of Patents
Washington, D.C. 20231

- [X] Information Disclosure Statement;
- [X] PTO Form 1449;
- [X] Hunton & Williams Check No. 204736 for \$240.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- [X] The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 50-0206.
 - [x] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 - [x] Any patent application processing fees under 37 CFR 1.17.

Date: August 10, 2000
HUNTON & WILLIAMS
1900 K Street, NW,
12th Floor
Washington, D.C. 20006

A: I2CR-7 '81

Respectfully submitted,

Thomas J. Scott, Jr.
Registration No. 27,836
Donald J. Lecher
Registration No. 41,933
Attorneys for Applicants
Tel: (202) 955-1938

PATENT

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#23

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
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Sir:

Applicants submit this IDS in response to the PTO's newly recited prior art references in certain Office Actions of related co-pending applications mailed to Applicants during the spring of 2000. Applicants provide this IDS in each of Applicants' related copending applications so that the prior art record will be consistent throughout these applications. In addition to the references cited by the PTO, three references: Butler et al., U.S. Pat. No. 4,647,804; Great Britain Patent No. 1,515,309; and European Patent No. 187,417, were cited by the European Patent Office.

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing

date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☐ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

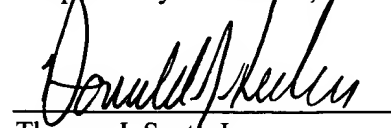
- ☒ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ c. Attached is our Check No. 2041736 in the amount of \$ 240.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. - _____ in the amount of _____ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.

- [] 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- [] 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- [X] 7. The Examiner's attention is directed to Applicants' related co-pending U.S. Patent Applications (as previously listed under a separate submission in this application) which are directed to related technical subject matter. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.
- ✓
[X] 8. ~~Copies of the documents were submitted on April 10, 1998 to the Office in Application No. 08/113,329 filed September 30, 1993, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are~~ attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0206.

Respectfully submitted,


Thomas J. Scott, Jr.
Registration No. 27,836
Donald J. Lecher
Registration No. 41,933
Attorneys for Applicants
Tel: (202) 955-1938

Date: August 10, 2000
HUNTON & WILLIAMS
1900 K Street, NW,
12th Floor
Washington, D.C. 20006

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT CITATION FORM | Attorney Docket No. | Serial No. |
| | 05634.0357 | 08/486,258 |
| | Applicant(s) John C. Harvey and James W. Cuddihy | |
| | Filing Date June 7, 1995 | Group Art Unit 2737 |

UNITED STATES PATENT DOCUMENTS

| EXAMINER INITIAL | PATENT NUMBER | PATENT DATE | NAME | CLASS/ SUBCLASS | FILING DATE* |
|---------------------|------------------|--------------------|------------------|--------------------|-------------------|
| | 3,627,914 | December 14, 1971 | Davis | 178/5.8 | September 4, 1969 |
| | 3,761,888 | September 25, 1973 | Flynn | 340/172.5 | August 3, 1972 |
| | 4,199,791 | April 22, 1980 | Corey | 360/69 | April 17, 1978 |
| | 4,290,142 | September 1, 1981 | Schnee et al. | 455/3.1 | |
| | 4,390,901 | June 28, 1983 | Keiser | 358/147 | October 16, 1980 |
| | 4,547,804 | October 1, 1985 | Greenberg | 348/460 | March 21, 1983 |
| | 4,647,974 | March 3, 1998 | Butler et al. | 358/185 | April 12, 1985 |
| | 4,725,886 | February 1, 1988 | Galumbeck et al. | 348/461 | April 21, 1983 |

* If Pertinent

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | PUBLICATION DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION | |
|---------------------|--------------------|---------------------|---------------|--------------------|-------------|----|
| | | | | | YES | NO |
| | 1,515,309 | June 21, 1978 | Great Britain | G06 K 15/20 | | X |
| | 0 187 417 | July 16, 1986 | European | H04 N 7/087 | | X |
| | AUS74,619 | April 29, 1976 | Australia | | | X |
| | DE2,904,891 | | Germany | | | X |
| | GB1,556,366 | November 21, 1979 | Great Britain | | | X |
| | GB959,274 | May 27, 1964 | Great Britain | | | X |
| | WO 80/02093 | March 28, 1979 | PCT | | | X |

OTHER DOCUMENTS

| Examiner Initial | Date, Author, Title, Pertinent Pages, Etc. | | |
|---------------------|--|-------------------|---|
| | February 1, 1979 | Schiller et al., | CATV Program Origination and Production |
| | May 8, 1981 | Kamishima, et al. | A Monitor Device of a Switcher System |
| | April 1, 1979 | Kazama et al. | Automatic Storage and Retrieval of Videotaped Programs |
| | | Yamane et al. | System and Apparatus for Automatic Monitoring Control of Broadcast Circuits |
| | November 1, 1959 | Marsden | Master Control Techniques |
| | January 1, 1959 | Byloff | Automatic Control of Video Tape Equipment at NBC, Burbank |
| | March 1, 1981 | Skilton | The Digitrol 2 - Automatic VTR Programme Control |
| | January 1, 1969 | Zettl | Television Production Handbook |
| | May 22, 1975 | Diederich | Electronic Image and Tone Return Equipment With Switching System and Remote Control Receiver for Television Decoder |
| | | Stern, et al. | An Automated Programming Control System for Cable TV |

| Examiner Initial | Date, Author, Title, Pertinent Pages, Etc. | | |
|---------------------|--|-----------------|--|
| | September 1, 1976 | Barlow | Automatic Switching in the CBC - An Update |
| | September 1, 1971 | Anderson | The Vertical Interval: A General-Purpose Transmission Path |
| | November 1, 1975 | Gaucher, et al. | Automatic Program Recording System |

| | |
|--|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s). | |